REMARKS/ARGUMENTS

Responsive to the Official Action mailed December 23, 2003, applicants have extensively revised the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, claims 3-5, 10, 11, 17, 19-22, and 25-26 have been canceled, and claims 1, 12, 16, 18, and 23 amended. Reconsideration is respectfully requested.

By this response, applicants have specifically amended their pending claims to a particularly preferred embodiment of their invention, wherein the present agricultural cover *consists of* thermally bonded *spunbond polymeric filaments*, with a portion of the cover *printed to occlude light transmission* therethrough. It is respectfully submitted that this specific form of the present agricultural cover is neither taught nor suggested by the diverse teachings of the prior art, and accordingly, reconsideration is respectfully requested.

In the Action, the Examiner has rejected the pending claims under 35 U.S.C. §103, with reliance upon U.S. Patent No. 6,030,906, to Hassenboehler et al., U.S. Patent No. 6,061,954, to Vanier, U.S. Patent No. 5,091,240, to Kajander et al., Japanese Patent No. 8-89100, to Matsunaga et al., Japanese Patent No. 7-274741, to Yamamura, Japanese Patent No. 8-298883 to Hori et al., Japanese Patent No. 6-207359, to Tokuhiro, and Japanese Patent No. 2000-17016, to Umemura et al. By applicants' cancellation of a number of the pending claims, it is believed that a number of these rejections are moot, and can be withdrawn. It is respectfully noted that the remaining references, even when

combined, do not teach or suggest applicants' agricultural product cover, admitted by the Examiner to be novel, and accordingly, the rejections are respectfully traversed.

In the Action, the Examiner principally relies upon the Hassenboehler et al. reference for its teachings relating to "protective apparel". Applicants must respectfully maintain that only applicants' own disclosure would teach or suggest combining the diverse teachings of Hassenboehler et al. and Vanier. (Applicants note, for example, that Hassenboehler et al. is not referenced or cross-referenced in a single class/subclass in the Field of Search of Vanier, and vice-versa.) Applicants note that M.P.E.P. §2141.01(a) specifically admonishes that "to rely on a reference under 35 U.S.C. §103, it must be analogous prior art", and that for a reference to be reasonably pertinent, "it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem" (citations omitted).

Applicants appreciate the Examiner's careful consideration of their pending claims. In an effort to advance prosecution, applicants have specifically revised their claims to specify that the present fabric cover *consists of* a nonwoven fabric formed from *spunbond thermoplastic polymeric filamentary elements*. It is respectfully maintained that such a construct is neither taught nor suggested by the principal Hassenboehler er al. reference, which is specifically directed to a web comprising first and second layers of man-made fibers, and a second layer, sandwiched between the first and third layers, comprising non-wood cellulose based staple fibers (column 23, lines 39-44).

The Examiner has acknowledged that Hassenboehler et al. does not teach a cover sized to fit around an associated agricultural product. However, Vanier clearly does not

overcome the deficiencies in the teachings of the principal Hassenboehler et al. reference. As previously noted, Vanier is specifically limited in its teachings to a cover formed from *plastic film*, with no teachings or suggestion whatsoever of *printing for occluding light transmission*, in accordance with the present invention. Reference is specifically made to exemplary configurations of applicants' invention shown in Figures 5, 6, and 7 of their application.

It is respectfully noted that Kajander et al., directed to a laminate such as for panty shields, does not teach or suggest the recited structural features of applicants' agricultural product cover.

It is respectfully maintained that the combined teachings of the Japanese Matsunaga et al. reference and Vanier clearly do not teach or suggest applicants' novel agricultural cover, as claimed. Matsunaga et al. is specifically limited in its teachings to the use of *staple fibers*, and has no teaching or suggestion of forming a cover of the specified basis weight from *spunbond thermoplastic polymeric filaments*. Moreover, it appears that Matsunaga et al. contemplates altering *air permeability*, with no teaching or suggestion of configuring an agricultural cover for *light occlusion*. Moreover, it appears that Matsunaga et al. contemplates controlling air permeability by altering *web density*, with thus no teaching or suggestion of *printing on the cover* for light occlusion.

As previously noted, the Vanier reference is specifically limited in its teachings to the formation of a cover from *plastic film*, with perforations in an upper part thereof. Thus, it is respectfully submitted that the combined teachings of these references cannot

teach or suggest applicants' novel agricultural cover product, and method of use, as claimed.

In the Action, the Examiner has further relied upon the teachings of Japanese Patent No. 7-274741, Yamamura. Applicants must respectfully disagree that this reference discloses "a cover made of spunbond polymeric material", as stated by the Examiner.

Yamamura contemplates formation of a covering material "capable of reversibly changing the shading ratio corresponding to the change of the light volume of the sunlight" (English Abstract). To this end, the material is composed of "a light-sensitive, reversibly metachromatic colorant layer" formed on the surface of a nonwoven fabric. The fabric is specified as being "prepared by laminating and bonding *split fiber webs*. It is stated that production of this covering material is carried out by hot-streteching a *thermoplastic resin film, then splitting it to form a flat split fiber web*. Split fiber webs are placed in layers "so that the wefts may cross the warps".

This discussion in Yamamura clearly shows that it *does not* teach formation of spunbond filamentary fabric, in accordance with the present invention. Such spunbond fabrics *are not formed from films*, in significant distinction from the teachings of Yamamura. As previously noted, neither of the other relied-upon references, Matsunaga, or Vanier, teach or suggest formation of applicants' claimed spunbond polymeric filament agricultural product cover.

Moreover, there is no teaching or suggestion in the Yamamura reference of *printing to occlude light transmission*, as specifically set forth in the pending claims.

Rather, Yamamura is specifically limited in its teachings to the formation of a light-sensitive, reversibly metachromatic colorant layer.

In the Action, the Examiner has further relied upon Japanese Patent No. 8-298883, to Hori et al., for its teachings of an adhesively-joined seam. However, it is respectfully maintained that this reference clearly does not overcome the clear deficiencies in the Matsunaga and Vanier references in teaching or suggesting applicants' invention as claimed.

In the Action, the Examiner has further relied upon Japanese Patent No. 6-207359, to Tokuhiro. The Examiner states that this reference "discloses a porous polymeric film layer", and as such, this reference does not teach or suggest applicants' claimed layer consisting of spunbond polymeric filaments, having a region or portion printed for occluding light transmission therethrough.

The Examiner has further relied upon Japanese Patent No. 2000-17016. However, this reference is specifically limited in its teachings to the formation of an "agricultural film", "with good transparency and giving off no poisonous gasses during incineration". Clearly, this reference fails to overcome the deficiencies in the teachings of Matsunaga or Vanier in teaching or suggesting applicants' novel agricultural cover, consisting of a nonwoven fabric layer formed from spunbond polymeric filaments, with printing on a region of the cover to occlude light transmission therethrough.

As noted, the Examiner's careful consideration of applicants' claims is appreciated. In an effort to advance prosecution, applicants have revised their claims to more particularly recite a preferred form of their invention, which the Examiner has

acknowledged is novel and unanticipated by the prior art. It is respectfully submitted that even when combined, the prior art fails to teach or suggest applicants' invention as claimed. Accordingly, formal allowance of the pending claims is believed to be in order and is respectfully solicited.

Should the Examiner wish to speak with applicants' attorneys, they may reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fee which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **March 23, 2004**.